

Chapter 10-10: Title, Purpose and Jurisdiction

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Division 10-10.10: Title

Sections:

- 10-10.10.010 Title
- 10-10.10.020 Zoning Map

10-10.10.010 Title

- A. Title 10 of the Flagstaff City Code shall be known and may be cited as "The City of Flagstaff Zoning Code" or "the Zoning Code." Within this Title, it may also be known as "this Zoning Code" or "these regulations."
- B. The Zoning Map that is a part of this Zoning Code shall be known as "The City of Flagstaff Official Zoning Map" or ("Zoning Map") (See Section 10-10.10.020 (Zoning Map)).
- C. Title 10 and the Zoning Map shall be subject to change from time to time as may be determined by the Council.

10-10.10.020 Zoning Map

A. Adoption

The Zoning Map, which divides the City of Flagstaff (City) into zones, together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Zoning Code.

B. Zone Boundary or Classification Changes

If, in compliance with the provisions of the Zoning Code, changes are made to zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

C. Maintenance of Zoning Map

The Zoning Map shall be kept on file in the office of the Planning Director (Director) and shall be maintained in electronic format by the Information Technology Division, as authorized by the Director.

D. Copies of the Zoning Map

Paper copies of the Zoning Map may be certified as true and correct by the Director. Electronic copies of the Zoning Map are not certified as true and correct.

(Section 10-10.10.020 amended by Ord. 2016-07, adopted Feb. 16, 2016)

Division 10-10.20: Legislative Intent and Purpose

Sections:

- 10-10.20.010 Legislative Intent
- 10-10.20.020 Purpose of Zoning Code

10-10.20.010 Legislative Intent

In adopting this Zoning Code, it is the intent of the City to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City by exercising all powers related to the regulation and use of land and structures within the City that are authorized by the City Charter and Arizona Revised Statutes (A.R.S.).

10-10.20.020 Purpose of Zoning Code

- A. The purpose of this Zoning Code is to further the legislative intent by gathering together and organizing the zoning regulations for the development of land within the jurisdiction of the City in a form that is comprehensive, straightforward, easily understood, and usable by those who wish to develop land, citizens, public officials, and those who will be responsible for assuring that the development of land within the City proceeds in the prescribed logical and legal manner.
- B. The purpose of this Zoning Code is also the implementation of the adopted general plan of the City, (General Plan) and amendments thereto by accomplishing the following purposes. Each purpose listed below serves to balance the interests of the general public of the City and those of individual property owners and residents:

1. Land Use Patterns

- a. Establishing a rational pattern of land use and encouraging the most appropriate use of individual pieces of land throughout the City.
- b. Dividing the City into Zones according to the use of land and buildings, the intensity of such use (including Floor Area Ratio and height), and the surrounding areas.
- c. Providing suitable transitions between areas of different land use intensities.
- d. Regulating and restricting as necessary the location and use of buildings, structures, and land for trade, industry, residences, and other uses.

- e. Securing adequate natural light, privacy, convenient and safe access to property, and a safe environment.
- f. Limiting the size, scale, and density of new structures and additions to existing structures to preserve the desired character of neighborhoods and the community.
- g. Encouraging quality, attractive, and marketable development.
- h. Encouraging neighborhoods with a variety of housing types to serve the needs of a diverse population.
- i. Reinforcing the character and quality of downtown neighborhoods.
- j. Protecting and promoting appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base.
- k. Removing barriers to the furtherance of good walkable urban environments and providing incentives for walkable urban developments.

2. Sustainability

- a. Living and managing activities in a manner that balances social, economic and environmental considerations to meet Flagstaff's current needs and those of future generations.
- b. Ensuring that new development conserves energy, land, and natural resources such as forests, water, or air quality.
- c. Promoting development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and transit, and thereby minimizing vehicle traffic by providing for a mixture of land uses, walkability, and compact community form.
- d. Reducing auto-dependency by allowing for more compact mixed-use land use development patterns.

3. Natural Resources

- a. Preserving and protecting the City's natural resources, such as floodplains, steep slopes, and forests.
- b. Avoiding or lessening the hazards of flooding and stormwater accumulation and runoff.

4. Public Infrastructure

- a. Creating an environment that is safe from fire, flood, and other dangers.
- b. Encouraging the most efficient use of existing and planned water and sewer systems, transportation, schools, parks, and other public facilities and utilities.
- c. Reducing the danger and congestion of traffic on roads and highways.
- d. Protecting and enhancing a pattern of streets, highways, bikeways, trails, and pedestrian systems that produces a unified, safe, and efficient system for movement within the City.
- e. Protecting residential streets in residential zones from nonresidential traffic.
- f. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities.
- g. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities.
- h. Promoting economy in local government expenditures.
- i. Protecting the tax base by facilitating cost-effective development within the City.

5. Justifiable Expectations and Taxable Value

- a. Protecting and enhancing the taxable values of land and buildings.
- b. Protecting landowners from adverse impacts of adjoining developments.
- c. Protecting and respecting the justifiable reliance of existing residents, businesses, and taxpayers on the continuation of existing, established, and planned land use patterns.
- d. Protecting and enhancing real property values.

6. Administration

- a. Defining the powers and duties of administrative officers and bodies necessary to administer this Zoning Code.
- b. Prescribing penalties for the violation of the provisions of this Zoning Code.

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Division 10-10.30: Authority

Sections:

10-10.30.010	Authority
10-10.30.020	Responsibility for Administration
10-10.30.030	Applicability
10-10.30.040	Rules of Interpretation
10-10.30.050	Rules for Construction of Language
10-10.30.060	Computation of Time
10-10.30.070	Calculation of Fractions
10-10.30.080	State Law Requirements
10-10.30.090	Rules of Transition

10-10.30.010 Authority

This Zoning Code is enacted based on the authority vested in the City by the Arizona Constitution, Article XIII, the Flagstaff City Charter, and Arizona Revised Statutes, Title 9, Chapter 4.

10-10.30.020 Responsibility for Administration

A. Responsible Bodies and Individuals

This Zoning Code shall be administered by the Zoning Code Administrator and the Director.

B. Exercise of Discretion

In the event that a provision of this Zoning Code allows the exercise of discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The proposed development complies with all applicable provisions of this Zoning Code;
2. The exercise of discretion will act to ensure the compatibility of the proposed development with its site, surrounding properties, and the community; and,
3. The decision is consistent with the General Plan.

10-10.30.030 Applicability

In addition to all applicable federal, State, and county laws and regulations governing land use and development, this Zoning Code applies to all land within the City, as follows:

A. New Land Uses or Structures and Changes to Existing Land Uses or Structures

No building, structure, or land shall be used or occupied, and no building, structure, or land shall be constructed, replaced, occupied, enlarged, or altered, nor shall any applicable permit be issued unless in conformity with all the provisions of this Zoning Code for the zone in which it is located and other applicable regulations, except as provided in Division 10-20.60 (Nonconforming Provisions).

B. Subdivisions

Any subdivision of land proposed within the City after the effective date of this Zoning Code shall be consistent with the minimum lot size requirements of Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), City Code Title 11 (Subdivision and Land Split Regulations), and all applicable requirements of this Zoning Code.

C. Property Owned by Federal or State Agencies

The provisions of this Zoning Code shall not apply to property owned by the United States of America or any of its agencies, the State of Arizona or any local agency not required to comply with this Zoning Code by State law. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this Zoning Code and to cooperate in meeting the goals and objectives of this Zoning Code and the General Plan.

(Section 10-10.30.030 amended by Ord. 2016-07, adopted Feb. 16, 2016)

10-10.30.040 Rules of Interpretation

A. Where uncertainty exists regarding the interpretation of any provision of this Zoning Code or its application to a specific site, the Zoning Code Administrator shall determine the interpretation of the provision. The determination of the Zoning Administrator may be appealed in compliance with the provisions of Section 10-20.80.020 (Appeals of Interpretations by the Zoning Code Administrator and Director).

B. When determining the boundary of a zone, the following rules shall apply:

1. The standards provided in this Zoning Code shall be the minimum requirements for zoning procedures, standards, enforcement, fees, administration, restrictions, uses, variances, and all other matters addressed by this Zoning Code, except where it is expressly stated that the standards provided are maximum standards and regulations.

2. Where uncertainty exists regarding the location of a zone boundary or other feature shown on the Zoning Map, the location shall be determined by the Zoning Code Administrator.
- C. Whenever any provisions within this Zoning Code impose overlapping or contradictory regulations, or whenever any provisions of this Zoning Code and any other code, rule, or regulation impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern, so that in all cases the most restrictive provision shall apply.
- D. It is not intended that any provision of this Zoning Code nor any act by an administrative official or Review Authority shall restrict or impair the right of any person to bring legal or equitable action for redress against nuisances, hazards, or injuries to persons or property.
- E. The Zoning Code Administrator shall keep a record of interpretations made in compliance with this Section. The record of interpretations shall be available to the public.

(Section 10-10.30.040 amended by Ord. 2016-07, adopted Feb. 16, 2016)

10-10.30.050 Rules for Construction of Language

In addition to the general provisions of this Zoning Code, the following rules of construction shall apply:

- A. The particular controls the general.
- B. The words "shall," "must," "will," "is to," and "are to" are always mandatory.
- C. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
- D. The words "includes" and "including" shall mean "including but not limited to . . .".
- E. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 1. "And" indicates that all connected words or provisions shall apply.
 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

- F. References to departments, divisions, sections, commissions, boards, or other offices are to those of the City unless otherwise indicated.
- G. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.
- H. All references to measurements are in feet unless otherwise indicated.

10-10.30.060 Computation of Time

- A. When the period of time prescribed or allowed by this Zoning Code is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation.
- B. When the period of time prescribed or allowed by this Zoning Code is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next business day.

10-10.30.070 Calculation of Fractions

Any fraction greater than or equal to 0.50 shall be rounded up to the nearest whole number. Any fractional unit less than 0.50 shall be rounded down to the nearest whole number.

10-10.30.080 State Law Requirements

Where this Zoning Code references applicable provisions of State law (e.g., A.R.S. § 9-500.12(B)) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

10-10.30.090 Rules of Transition

The following rules shall apply to all properties in the City on the effective date of this Zoning Code:

- A. Violations Continue**

Any violation of the zoning code previously in effect (1991 Land Development Code) will continue to be a violation under this Zoning Code and shall be subject to the penalties and enforcement provisions provided in Division 10-20.110 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Zoning Code.

B. Developments with Approvals or Permits**1. Building Permit Issued Prior to Effective Date**

Any building, structure, or sign for which a lawful Building Permit has been issued or for which a complete Building Permit or Sign Permit application has been filed at least one day prior to the effective date of this Zoning Code or any subsequent amendment to the Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Code or any subsequent amendment to the Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Zoning Code or any subsequent amendment to the Code.

2. Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Zoning Code or any subsequent amendment to the Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Code or any subsequent amendment to the Code. Upon approval of construction plans for the development, a Building Permit may be issued. Approvals granted prior to the effective date of this Zoning Code or any subsequent amendment to the Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

3. Preliminary Subdivision Plat Approved Prior to Effective Date

An applicant who has received preliminary plat approval for a proposed subdivision not identified as a protected development as defined in A.R.S. § 9-1201 prior to the effective date of this Zoning Code or any subsequent amendment to the Code may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of this Zoning Code or any subsequent amendment to the Code and City Code Title 11 (Subdivision and Land Split Regulations). If an application for final plat approval is not filed within one year of the date of the preliminary plat's approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Code or any subsequent amendment to the Code and City Code Title 11 (Subdivision and Land Split Regulations).

4. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been

approved prior to the effective date of this Zoning Code or any subsequent amendment to the Code may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Code or any subsequent amendment to the Code. If a Building Permit application is not filed within one year of the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted.

C. Applications Filed Prior to the Effective Date

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and preliminary plats, that are filed prior to the effective date of this Zoning Code or any subsequent amendment to the Code may be approved under the provisions of the zoning code previously in effect. Applicants may also elect to develop in compliance with the provisions of this Zoning Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
2. Applications for amendments to the Zoning Map filed prior to the effective date of this Zoning Code or any subsequent amendment to the Code shall be governed by the provisions of the Code previously in effect unless the applicant elects to comply with this Zoning Code.

D. Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Conditional Use Permits, and preliminary plats as well as amendments to the Zoning Map, filed on or after the effective date of this Zoning Code or any subsequent amendment to the Code, including modifications and amendments, shall conform to the provisions of this Zoning Code.

(Section 10-10.30.090 amended by Ord. 2016-07, adopted Feb. 16, 2016)

Division 10-10.40: Severability

Sections:

10-10.40.010 Severability

10-10.40.010 Severability

- A. If any division, section, sentence, clause, phrase, word, portion, or provision of this Zoning Code is held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other division, section, sentence, clause, phrase, word, portion, or provision of this Zoning Code which can be given effect without the invalid provision.
- B. A determination by order of any court of competent jurisdiction that any section, sentence, clause, phrase, word, portion, or provision of this Zoning Code does not apply to any particular property or structure, or to any particular properties or structures, shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in the court's order.

(Section 10-10.40.010 amended by Ord. 2016-07, adopted Feb. 16, 2016)

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Division 10-10.50: Effective Date

Sections:

10-10.50.010 Effective Date

10-10.50.010 Effective Date

This Zoning Code is hereby enacted as the zoning ordinance for the City and shall be effective as of 12:01 A.M., December 5, 2011, unless this Zoning Code is referred to a vote of the people, in which case it will take effect, if at all, 10 days after the election approving its adoption.

(Section 10-10.50.010 amended by Ord. 2016-07, adopted Feb. 16, 2016)

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